App. F. IX-4

Previous References

1934. (Law) 12

File No. 80-34

Serial Nos. 1—4

Later References.
Law 135-35-1-2

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four

Part B for April '35—

SUBJECT.

Re. lease of certain portion of Hazaretta Manik Bha Danger in Dodpet, Bhore City

4) 510

The Dy. Com'r.

WD 01965—GPB—15,000—7-7-34

RO-P5831 dt 23.4.35

To Govt. Advocate's opinion on the matter for further action.

From,

The Muzrai Com

No. 1259/31-32 dt 26.10.34 soliciting legal opinion re: the lease of a ~~toddy~~ shop belonging to Hazaram Manik Sha Dargah in Dodpet, Bellary City.

1) Facts of the Case are detailed in the Bellary DC's letter dated 9th April 1932 and 6th Oct 1934.

Some portion of the land belonging to Hazaram Manik Sha Dargah, just in front of it is reported to have been let out to one Abdul Khayum a shop-keeper, by a Muzavar of the Dargah for an annual patta. The lessee having almost blocked the passage to the Dargah, certain devotees and pilgrims complained about the difficulty in finding the Dargah

Mun. Com. solicits instructions whether he can proceed under sec 10 of the Religious and Charitable Inst.ns Regn. VII of 1927. Sections 9 and 10 of the said Regn. deal with unauthorized alienations transfer of Inam lands granted to Mun. Inst.ns. These provisions do not seem to be applicable to this case. Action however may be taken under sec 19 of the Regn. which prescribes the procedure in case of wrongful alienation of property of religious or charitable inst.n. The lessee may be evicted under sec 109 LRC after holding a Summary enquiry in accordance with the provisions of Ch. XIV of LRC as directed here in.

Mun. Comm.r may be instructed to take necessary action accordingly.

TSD
31/10.

No.

Dft enquiring subd

ISD 2/4

TYPING 2 NOV. 1934 GENL & REV SECTT.

10

Hon'ble Mun. Commr

no. V. 2455 dt 7.11.34 calling for

the grain lease deed

from

Hon'ble Mun. Comm

no. 259/3132 dt 3.4.35 forwarding a

Copy of the lease deed dt 26.10.34

mentioned in the [illegible] 34,

Hon'ble Karaikal 19.10.33 a clause to be a mistake for the

lease deed of 31.5.1932. It is pointed out that the

Mugavai [illegible] Cultivation to grain lease

[illegible] for ever was rejected to grain lease

15th January 1929 for five years by Syed Dewan Saheb. The proceedings in connection with the shop seem to have been started in the Muzrai Department prior to the expiry of the period fixed in the said lease.

In the meanwhile, on 31-5-1932, about two years before the expiry of the lease, he took another lease deed from two persons viz Syed Beeran Saheb described to be the Mutuvalli and Syed Ibrahim Saheb described to be a member of the Makkan; this deed is again expressed to be for a period of three years which will expire by the end of next month.

I find from the records that in 1931, the Deputy Commissioner appointed Mr. Abdur Rahmon, B.A., and five other gentlemen, Nazarins-a-Wakafs, for the management of the Darga for a period of three years, and if they were constituted the Managers, it is difficult to understand how the lease could be given by the two persons referred to in the lease deed of 1932.

Though the order of the Muzrai Commissioner referred to by the Amildar in the extract from the Register is not available in the records, it is clear from col.8 thereof, that it has been found that the Muzavars were not competent to execute fresh leases. Even the period under the second lease which seems to have superseded the first one expires by the end of May. He may be served with a notice asking him to vacate on the 31st May 1935. If he does not comply with the notice, I think that summary proceedings might be taken under section 19 of the Charitable and Religious Endowments Regulation as the tenant must be deemed to be in wrongful occupation of the property as the two gentlemen who pur-

purport to have leased the property were not competent to do the same

Though section 19 appears in Chapter III, the heading of which indicates that the provisions in that Chapter do not apply to Muzrai Institutions, the wording of the section applies to all religious or charitable institutions which must include 'muzrai institutions' as well. It has also been held by the Government that the section applies to private endowments belonging to Muzrai Institutions. See MUZRAI MANUAL, pp.96-97.

I am, therefore, of opinion, that steps may be taken as indicated above, to take posession of the property under section 19.

Government Advocate.

H.

Draft reply
1874

M C 13.]

No. 1259/31-32
Encl 2 files

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Dated, Bangalore, 25th October 1934
26

2335 of '34

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

Law 80-34-1

To

S. Abdul Wajid, Esq., B.A.,
General *Secretary to the Government of His Highness*
the Maharaja of Mysore,
.....
Hazarath Manik Sha Darga in Dodpet, Bangalore City.

Law Sec. 27.10.34 2/27/10

Und. 28.10.34

Dopy 29.10.34

SIR,

I have the honour to forward herewith in original for reference and obliging return correspondence ending with letter No.C.3-2838/30-31 dated 6th October 1934 from the Deputy Commissioner, Bangalore District requesting to be informed whether one Abdul Khayum who has failed to execute a ----- mutchalika in respect of his lease of a shop belonging to the above - and has entered into a further lease of the property with some of the Muzavars may be evicted under the provisions of sections 10 and 37 of the Mysore Religious and Charitable Institutions Regulation.

2. The facts of the case are sufficiently explained in the Deputy Commissioner's letters dated 9th April 1932 and 6th October 1934 and the Sub Division Officer's report dated 31st August 1934. Sec.9(2) lays down that no lease of a property belonging to a Muzrai Institution for a term exceeding 5 years shall be valid unless previously -- approved by Government and Sec.10 has reference to the inam lands --- alienated or transferred which is not valid under the provisions of Sec.9 and it is therefore doubtful if actioncan be taken under Sec.10 I request you to kindly obtain the opinion of the Law Department and favour me with further instructions in the matter. If Sec.10 is not applicable, the provision of law under which action may be taken to evict the person in possession may kindly be intimated.

I have the honour to be,
Sir,
Your most obedient servant,

G. Rudrappa
Senior Assistant Commissioner,
For Muzrai Commissioner,
(Absent from Head Quarters.)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 299 / 7

Dated, Bangalore, 5th November 1934

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to your letter No.1259/31-32 dated 26th October 1934 re: the lease of certain portion of land belonging to Hazarath Manik Sha Darga, Lodpet, Bangalore City, I am directed to request that a copy of the fresh lease deed said to have been executed on 19th October 1933 may kindly be sent for reference.

I am to enquire whether the Muzavars who granted the said lease are duly appointed and if so whether they have no powers to grant such leases.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

Section Land
File No. 80-34
Serial No. 2

No. P 2199/

To

The Mag. Comm.r

Sir,

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue ... 7/11/34

Signed by ... [signature]

With reference to your letter no. 1259/31/32 dt. 26.10.34 re the lease of certain portion of land belonging to Hazarat Mamik Sha Darg Dodipet Bellary city. I am directed to request that a Copy of the fair lease deed said to have been executed on 19.10.33 may kindly be sent for reference

I am to enquire whether the Nazaras fee duly who granted the said lease appointed and if so whether he have no power to grant such lease

List of enclosures .....

Copied by .....

Examined by ....

Law 80-34-3

N. MADHAVA RAU, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

H. V. Ramaswami, Esq., M.A., P.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
....G..e..n..e..r..a..l..... *Department.*

Hazarath Manik Sha Darga in Dodpet, Bangalore City.

Adverting to your letter No.P.2199/Law 80-34-2 dated 7th ember 1934 re: the above, I have the honor to forward here- a copy of letter No.C3-2838/30-31 dated 27th March 1935 the Deputy Commissioner, Bangalore District, stating that py of the lease deed is contained in the records sent with office letter dated 26th October 1934.

The lease deed dated 31st May 1932 produced by the Muzavar other enclosures to the Deputy Commissioner's letter are

forwarded for reference and return.

I have the honor to be,

Sir,

Your most obedient servant

Muzrai Commissioner.

ter .03-3838/30-31 dated 27-3-35 from the Deputy Commissioner, District, to the Muzrai Commissioner in Mysore.

---

reference to your Memo No.1259/31-32 dated 13-11-34 regarding the of certain portion of land belonging to Hazarath Saink Sha Darga, Bangalore City, I have the honor to state that it is reported by the Amildar that a copy of the lease deed referred to in your Memo under reply already been sent along with the vernacular file. Kind reference is invited to this office letter No.03-2838/30-31 dated 4-10-34 with which the original vernacular file of records has been sent to your office.

The registered lease deed dated 31-5-32 produced by the Muzavar is sent herewith. It is further reported by the Amildar that there is no definite answer to say who the Muzavar is, that the Muzavars who are residing in Sarjapura Thippasandra village have been managing the affairs of the Darga and Inam village by turns every year that it has already been decided by the Muzrai Commissioner that the Muzavars are not competent to grant leases. The connected file of papers is sent herewith.

"C O P Y"

For Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. R 583/ Eu

Dated, Bangalore, 22nd April 1935.

23

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

With reference to the correspondence ending with your letter No.1259/31-32 dated 2nd April 1935 re: the lease of certain portion of Hazarath Manik Sha Darga in Chickpet, Bangalore City, I am directed to forward herewith copy of the Government Advocate's opinion in the matter and to request that necessary further action may be taken accordingly. The enclosures to your letter are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government

150

Section. Law

File No. 8034

Serial No. 4

No. 75831/Eve Records

To

The Board M C

Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the 193

issued 24/4/35

by [illegible]

Sir,

With reference to the Correspondence ending with your letter no. 1179/21552 dated 4.3.35 re the lease of certain portion of Harvard Manik Bhai Dagu in Dodpur, Bhavnagar, I am directed to forward herewith a copy of the Govt. Advocate's opinion in the matter and to request that necessary further action may be taken accordingly. The enclosures to your letter are herewith returned. I have etc.

18/4 for Secretary

TSD.a